IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 31690 of 2006(V)

PETITIONER:

N. LEELAMONY, W/O. M.BABU,
AGED 55, SASIVILASOM VEEDU, ARYASALAKONAM,
PERUMPAZHUTHOOR, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM.

BY ADV. SRI.D.ROBINSON
SMT.Y.SEPONY

RESPONDENTS:

1. KERALA PUBLIC SERVICE COMMISSION,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY,
PATTOM, THIRUVANANTHAPURAM.

2. GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM, REPRSENTED BY ITS
CHIEF SECRETARY, SECRETARIAT,THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
GOVERNMENT PLEADER SRI. NOBLE MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 31690/2006 V

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE LETTER NO. ESTT. 2(1) 38765/05/GN DT. 27/10/2005(1) OF THE PETITIONER BY THE R1.

EXT.P2. COPY OF THE LEAVE SURRENDER ORDER NO. 2(1) 44237/05/GN DT. 8/11/2005 BY THE R1.

EXT.P3. COPY OF THE PROCEEDINGS OF KERALA PSC REGARDING RETIREMENT LETTER NO. ESTTA 11(1) 44237/05/GW DT. 9/11/05 TO THE AG(A&E) KERALA.

EXT.P4. COPY OF THE NON LIABILITY CERTIFICATE NO. ESTT. 11(1) 44237/05/GW DT. 16/11/05 BY KPSC TO THE PETITIONER.

EXT.P5. COPY OF THE PROCEEDINGS OR NON LIABILITY CERTIFICATE NO. ESTT. 11(1) 44237/05/GW DT. 17/11/05 TO AG(A&E) KERALA BY THE R1.

EXT.P6. COPY OF THE PENSIONARY BENEFITS DETAILED LETTER NO. P. 08/PEN .A/ 550/0R/05-06 1081 DT. 22/11/05 BY THE AG(A&E) KERALA TO THE R1.

EXT.P7. COPY OF THE PENSIONARY BENEFIT DETAILED LETTER NO. P108/PEN.A/ 550/ 0R/05-06/957 DT. 17/10/05 BY THE AG(A&E) KERALA TO THE PSC.

EXT.P8. COPY OF THE REPRESENTATION DT. 18/10/2006 OF THE PETITIONER ADDRESSED TO THE RESPONDENTS.

EXT.P9. COPY OF THE DEATH CERTIFICATE DT. 28/10/06 OF THE PETITIONER'S HUSBAND.

True copy

tga

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.31690 of 2006 V

Dated this the 10th day of July, 2007.

JUDGMENT

The petitioner retired from the service of the Public Service Commission while working as Under Secretary on 31.10.2005. Alleging that the terminal benefits payable to her, except provisional pension, have not been paid, this writ petition is filed.

2. The Public Service Commission has filed a counter affidavit, in which it is stated that the petitioner has committed serious misconduct on the eve of her retirement. Therefore, the Public Service Commission is contemplating to withdraw or reduce her pension, if her service is not found satisfactory. For that purpose, a notice has already been issued on 4.1.2007.

3. The petitioner submits, the allegations levelled against her are incorrect and she has already filed a reply to the show cause notice on 20.1.2007.

4. Having regard to the circumstances of the case, the first respondent is directed to pass final

orders in the proceedings, initiated against the petitioner by issuing the notice dated 4.1.2007, within three months from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

Sd/-

(K.BALAKRISHNAN NAIR)

JUDGE

sk/

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